

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ANDREA BROOKER and JERMAL D.	:	
BROOKER,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 02-CV-2651 (CSG)
	:	
TEXTRON, INC. and TEXTRON, INC.	:	
a/k/a d/b/a TEXTRON LYCOMING and	:	
TEXTRON LYCOMING and AVCO	:	
CORPORATION,	:	
	:	
Defendants.	:	
-----X	X	

**EMERGENCY MOTION TO EXTEND DEADLINE TO FILE PRE-TRIAL
MOTIONS OR MOTIONS FOR SUMMARY JUDGMENT**

Defendants Textron Inc., Textron Lycoming and Avco Corporation, by and through their attorneys, file this Emergency Motion to Extend the Deadline for Filing Pre-trial Motions or Motions for Summary Judgment in the above matter to October 1, 2003. In support of this Emergency Motion, Defendants state that:

1. On August 12, 2003, this Court granted the parties' Stipulation and Order for an Extension of the Discovery Deadline. Pursuant to this Stipulation and Order, the discovery deadline was extended to September 10, 2003 and the deadline to file any pre-trial motions or motions for summary judgment was extended to September 25, 2003.
2. Defendants intend to file summary judgment motions seeking the dismissal of Plaintiffs' claims in their entirety and have been working diligently towards drafting their summary judgment papers.

3. Defendants' counsel's offices are located in Washington D.C. According to the most recent national weather service forecasts, Hurricane Isabel is expected to pass through the Washington D.C. metropolitan area Thursday, September 18 and Friday, September 19, 2003.

4. Due to Hurricane Isabel's expected arrival, the federal government in Washington D.C. will be closed on Thursday, September 18, 2003. Likewise, Defendants' counsel's offices will also be closed on Thursday, September 18, and, likely, Friday, September 19.

5. At the present time, Hurricane Isabel also is expected to pass through most of the State of Pennsylvania, where many of the persons reside who will file affidavits in support of Defendants' summary judgment motions.

6. As a result of the actual and expected negative impact that Hurricane Isabel will have on Defendants' counsel ability to access their offices and work stations, Defendants' affiants' ability to access their offices and work stations, and Defendants' counsel's ability to communicate with Defendants' affiants during normal business hours, Defendants respectfully request a brief extension of time, to October 1, 2003, in order to file a summary judgment motion.

7. The granting of this extension of time will not prejudice Plaintiffs in any manner.

8. Defendants' counsel attempted to contact Plaintiffs' counsel by telephone this morning to receive Plaintiffs' counsel's consent to submit a joint stipulation and order extending the deadline to file pre-trial motions or motions for summary judgment to October 1, 2003. However, Plaintiffs' counsel did not answer his telephone. Defendants'

counsel left a voice-mail message with Plaintiffs' counsel informing Plaintiffs' counsel that, given the nature of and relief requested by Defendants' Emergency Motion, Defendants would file this Emergency Motion with the Court today.

9. Defendants respectfully request that the Court decide this Emergency Motion on an expedited basis.

WHEREFORE, Defendants request that the Court issue an Order granting Defendants' Emergency Motion and extending the deadline to file pre-trial motions or motions for summary judgment to October 1, 2003.

Dated: September 18, 2003

Respectfully submitted,

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TEXTRON LYCOMING and AVCO	:	
CORPORATION,	:	
	:	
Defendants.	:	
-----	X	

ORDER

AND NOW, this ____ day of September, 2003, upon consideration of Defendants' Emergency Motion to Extend Deadline to File Pre-Trial Motions or Motions for Summary Judgment, and all papers submitted in support thereof and in opposition thereto, it is

ORDERED

that Defendants' Motion is GRANTED, and the deadline to file pre-trial motions or motions for summary judgment is extended to October 1, 2003.

DATE:_____

BY THE COURT:

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that, on this 18th day of September, 2003, a true and correct copy of the foregoing **Emergency Motion to Extend Deadline to File Pre-Trial Motions or Motions for Summary Judgment** was served by facsimile and overnight mail upon:

Harry J. Sher, Esq.
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(215) 985-1003
Attorney for Plaintiffs

Nicholas J. Sanservino, Jr.